

## Montana Operations Manual

# Probation Requirements Policy

<b>Policy Number</b>	03-0170	<b>First Issued</b>	March 1, 1977
<b>Issuing Authority</b>	Department of Administration State Human Resources Division	<b>Effective Date</b>	August 12, 2010
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### Policy Purpose:

State of Montana employees hired into a designated permanent or seasonal position must successfully complete conditions of probation during a probationary period. This policy provides minimum standards for administering probation.

### Scope:

This policy covers all positions in Montana's executive branch except temporary and short term workers, student interns, elected officials, the personal staff of elected officials, those employed by the Montana university system, the Montana State Fund, and any other position specifically excluded under 2-18-103, and -104, MCA.

Any collective bargaining agreement that provides greater probation rights supersedes this policy.

### Procedures:

#### A. Probationary Period:

Agency management must set and inform the new employee in writing of the length of the probationary period at the time of hire. Agency management may also establish in writing conditions of probation or set performance evaluation criteria for new employees eligible for permanent status.

An appropriate length for a probationary period is a minimum of six months to a maximum of one year, unless the probationary period is extended as described in section B.

Employees who have not completed their initial probationary period and take an approved leave of absence will not be required to begin a new probationary period upon their return. However, agency management may extend the probationary period by the length of the leave of absence.

Agency managers must provide written notification to an employee who has not satisfactorily completed probation. If the manager fails to provide written notification before the end of the probationary period, the employee attains permanent status.

#### B. Probationary Period Extension:

Agency managers may extend the length of a probationary period for a maximum of six additional and consecutive months. When a probationary period is extended, agency managers must notify the employee of the

extension in writing on or before the end of the original probationary period. The notice must include the length of and reason for the extension. Agency management may also extend or amend any written conditions of probation or performance evaluation criteria to include in the notice.

An employee will not attain permanent status until the employee successfully completes the additional probationary period.

**C. Discharge of Probationary Employees:**

An employee may be discharged at any time during the probationary period. Agency managers will investigate, if necessary, and document the reason for discharge prior to discharging the employee. Agency managers must inform the employee of the discharge in writing.

The Discipline (2.21.6501 through 2.21.6522, ARM), Grievance (2.21.8010 through 2.21.8030, ARM), and Reduction in Work Force (MOM #03-0155) policies do not apply to probationary employees.

**D. Permanent Status:**

A permanent or seasonal employee attains permanent status after satisfactorily completing the requirements of the probationary period. Laid-off permanent employees, receiving benefits under the Reduction in Work Force Policy (MOM #03-0155), retain permanent status when reinstated, reemployed, reorganized or transferred.

An employee who attains permanent status in one agency and who voluntarily transfers to another agency retains permanent status.

Temporary employees, short-term workers and student interns are not eligible to attain permanent status.

**E. Trial Periods for Employees that have Attained Permanent Status:**

A permanent employee who is internally promoted, reassigned or reclassified retains permanent status, but agency management may adopt a trial period as provided below.

1. A trial period may be established upon promotion, reassignment or reclassification. This trial period may be used to determine if the employee will be retained in the new position or returned to the former or an equivalent position. This trial period will comply with all of the provisions outlined in section A, except the employee has and retains permanent status.
2. At the beginning of the trial period, agency management will notify the employee of the conditions of the trial period, including the consequences of failing to successfully complete it. The conditions of the trial period may be part of an ongoing performance evaluation process. The notice must be in writing and must be filed in the employee's permanent personnel record.

3. During, or at the end of the trial period, an agency may return the employee to the former or an equivalent position. The provisions of the Discipline (2.21.6501 through 2.21.6522, ARM), Grievance (2.21.8010 through 2.21.8030, ARM), or Reduction in Work Force (MOM #03-0155) policies do not apply.
4. During, or at the end of, the trial period, an agency may opt to take disciplinary action, if sufficient cause exists, instead of returning the employee to a former or an equivalent position. The provisions of the Discipline (2.21.6501 through 2.21.6522, ARM), Grievance (2.21.8010 through 2.21.8030, ARM), or Reduction in Work Force (MOM #03-0155) policies apply in this situation.

**Definitions:**

All of the definitions under 2-18-101, MCA apply to this policy. The following definitions also apply.

**Conditions of Probation** – conditions set by an agency that a new employee must meet to attain permanent status. These conditions are used to assess the employee’s abilities to perform job duties, to assess the employee’s conduct on the job, and to determine if the employee should be retained and attain permanent status. The conditions may be part of a performance evaluation process.

**Probationary Period** – the length of time an agency gives a new employee to meet the requirements of probation.

**Permanent Status** – the state an employee attains after satisfactorily completing an appropriate probationary period.

**Permanent Employee** – an employee who is designated by an agency as permanent and who has attained or is eligible to attain permanent status.

**Promotion** – the assignment of an employee to a higher position in the agency’s hierarchical structure through a competitive recruitment process.